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SUBJECT: Honduran Coup Timeline

REF: Tegucigalpa 523 and others

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¶1. Summary: The following is the Embassy's timeline of political and legal events leading up to the June 28, 2009 coup. We believe that the military and the Congress conspired in the coup. There were also decisions that impacted on Zelaya's legal situation. Nevertheless, while there is evidence of many improprieties and illegalities committed by the Zelaya Administration, the actions taken to remove the President were patently illegal. The proper procedure to remove a sitting President would have required a trial in the court system. End summary.

Timeline

2005:

-- Congress repeals the impeachment law. While the Congress has the right to summon the President and to investigate his/her actions, there is no clear procedure on what action it can take after such an investigation. The only remaining legal means to remove a sitting President is for the Public Ministry to file a criminal case with the Honduran Supreme Court. The Supreme Court appoints a Magistrate to hear the case. If the Magistrate must determine that the case is valid, after which the case will be moved to trial. During this process, the President will have full due legal process and is given the right to legal representation. A ruling by the Supreme Court against the President is the only way to legally separate him/her from the office.

23 March 2009:

-- Honduran President Jose Manuel Zelaya Rosales announces a plebiscite to be held on 28 June 2009 to measure popular support for the Fourth Urn. There will be three urns on election day November 29, 2009, one for the President, one for Congress and one for mayoral candidates. The fourth urn would be for votes on whether or not the electorate wants to convoke a constituent assembly for the purpose of reforming the Honduran Constitution.

1 May 2009:

-- Zelaya officially launches the Fourth Urn campaign. Zelaya and his allies argue for reform of the constitution via a constituent assembly. The Fourth Urn campaign was officially launched in a May Day rally consisting of 5,000 - 10,000 supporters. The primary participants were representatives of labor unions, farmers' organizations and government workers who support Zelaya. Polling at this time suggested the Fourth Urn had between 55 percent and 75 percent popular support. Most of those polled at the time did not understand the purpose of the plebiscite and approximately 90 percent did not support the idea of Zelaya staying in power beyond his mandate.

May 2009:

-- The Attorney General's office files a case in a Federal Administrative court challenging the legality of the 28 June plebiscite. The case is to determine whether the plebiscite is legal because the entity tasked with conducting the plebiscite, the National Statistics Institute (INE), cannot be involved in activities that are political in nature. The proposal to hold a constituent assembly is also considered unconstitutional.

28 May 2009:

-- The Administrative Court judge rules in favor of the Attorney General and abrogates the President's decree authorizing the plebiscite. The judge instructs all government agencies to suspend all publicity and logistical activities related to the plebiscite.

-- Zelaya convenes a press conference, along with the Minister of Defense Edmundo ((Orellana)) and Armed Forces Chief General Romeo Vasquez Velasquez, to say that he will continue with the plebiscite

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despite the court order. Zelaya orders the Armed Forces to provide the logistics to carry out the plebiscite.

-- In response to the ruling, Zelaya reformulates the decree, referring to the plebiscite as a "poll" in an effort to get around the court's ruling. The case returned to the court and the judge ruled that the decision was a broad one, covering any activity calling for a constituent assembly.

16 June 2009:

-- An appellate court rules in favor of the lower court's judgment. Zelaya ignores the ruling and continues preparing and promoting the 28 June poll. Following the ruling, the judge ordered the Attorney General to notify the President and the Armed Forces that, should they continue support for the poll, they would be in violation of the ruling and would be subject to criminal penalties and fines.

24 June 2009:

-- Zelaya fires General Vasquez after Vasquez refuses to carry out Zelaya's order to provide logistical support for the 28 June poll. Vasquez refuses to carry out the order because he deems it illegal based on the courts' rulings.

-- The chiefs of the Army, Navy and Air Force along with Minister of Defense Orellana resign in solidarity with General Vasquez. All military leaders remain in their posts despite the President's firing of Vasquez and their resignations. Zelaya does not name any successors.

25 June 2009:

-- The Supreme Court and the National Congress are called into session after Honduran political leaders are unable to reach an agreement on the wording for the 28 June poll. Zelaya wants the poll to refer to a constituent assembly; the opposition wants the poll to only ask about constitutional reform and allow the National Congress to determine how to reform the constitution.

-- The Supreme Electoral Tribunal (TSE), the entity responsible for running all official Honduran elections, rules the poll illegal.

-- Attorney General Luis Alberto Rubi issues a statement calling Vasquez's firing illegal and promises to seek a court order to reinstate Vasquez. The Attorney General announces that his office will go to Air Force Headquarters to take control of poll materials, which had been flown in, by request of the TSE.

-- Zelaya calls upon a group of approximately 2,000 social activists to go with him to Air Force headquarters to collect the materials before the Attorney General can do so. Air Force Chief General Javier Prince turns the materials over to Zelaya.

-- The "Constitutional Hall," a five-magistrate panel of the Supreme Court, rules unanimously that Zelaya's firing of General Vasquez was illegal and reinstates Vasquez. The court requests that the case regarding Zelaya's poll be brought before them.

-- Zelaya announces that logistical support for the poll will be provided by volunteers rather than government officials.

-- Congressional leadership had prepared legislation to support the court findings of the poll's illegality, but to permit the military to provide logistical support without sanctions. The Congress refuses to support the bill.

-- Congress nearly brings a vote to the floor to remove Zelaya from office. Congressional leaders ultimately decide not to vote to remove Zelaya. Congress launches an inquiry and creates a commission to look into legal violations allegedly committed by Zelaya and his Administration. Between 25 June and 27 June, Congress established 18 alleged legal violations by Zelaya, but did not establish proofs to support the allegations.

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26 June 2009:

-- The Tegucigalpa Chamber of Commerce organizes an anti-Zelaya demonstration in Tegucigalpa Central Park. Several thousand supporters show up.

-- Several thousand people gather outside the headquarters of the Honduran Military Joint Chiefs in support of the military's actions.

27 June 2009:

-- Online newspaper Proceso Digital prints an article alleging Zelaya's decree, published in the 25 June issue of the official paper La Gaceta, states that the 28 June poll will immediately convoke a constituent assembly. The newspaper reports that Zelaya has changed the rules at the last minute, and the poll will have consequences not previously reported.

-- Zelaya holds a press conference and invites foreign diplomats to attend under pretext of discussing the political crisis. He announces that he will follow through with the 28 June poll in the presence of the "international observers" present at the press conference.

-- A small group of Congressional leaders including President of the National Congress Roberto Micheletti Bain decide that Zelaya must be removed from the Presidency based on their belief that he will convoke the Constituent Assembly following the 28 June poll and that the Constituent Assembly will dissolve Congress and the Supreme Court. Their concern is based on the 25 June publishing of the decree in La Gaceta (copy attached), which they interpret to say that the poll legally authorizes the convoking of a constituent assembly.

-- Micheletti obtains General Vasquez's approval for Zelaya's removal allegedly with a Supreme Court order authorizing the Armed Forces to arrest Zelaya.

28 June 2009:

-- 0525 hrs: Zelaya is captured at his home by Honduran Military Forces. He is transported to the Air Force Base and is taken to San Jose, Costa Rica. Zelaya arrives in Costa Rica at 0725 hrs. The Congress announces it will initiate an emergency session.

-- 0800 hrs: A small number of protesters begin to gather in front of the Presidential Palace.

-- 0830 hrs: First reports emerge that former Honduran Foreign Minister Patricia Rodas Baca has been captured and removed from Honduras.

-- 1100 hrs: The Supreme Court announces that Zelaya's poll was illegal and should not have been carried out.

-- 1233 hrs: The Secretary of the Congress, Jose Alfredo Saavedra, reads an alleged resignation letter from Zelaya. The letter is dated 25 June. The Congress votes to accept the resignation.

-- 1345 hrs: The President of the National Congress, Roberto Micheletti Bain, is named the constitutional President of Honduras. He promises elections will be held as scheduled on 29 November. The naming of Micheletti as President is ratified at 1530 hrs. Saavedra is named President of the National Congress. Enrique Ortez Colindres is named Foreign Minister.

-- 1945 hrs: Zelaya leaves Costa Rica to travel to Nicaragua for the SICA conference.

29 June 2009:

-- Political leaders argue they removed Zelaya because of the decree published in the Gazette convoking the Constituent Assembly, something that can only be done by the Congress. The Congress was

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concerned that Zelaya would suspend the congress and the courts. Political leaders argue that Micheletti was named President because Vice President Aristides Mejia was never sworn into office.

-- The area remains relatively calm with isolated incidents of violence in front of the Presidential Palace by pro-Zelaya protesters.

-- Gabriela Nunez is named Finance Minister. Adolfo Leonel Sevilla is named Defense Minister. Jorge Aguilar is named Director of the state telecom company HONDUTEL.

-- Zelaya promises to return to Honduras on Thursday, 2 July.

30 June 2009:

-- Zelaya speaks at the United Nations. Approximately 10,000 people participate in an anti-Zelaya protest in the Central Park. Approximately 2,000 protest in favor of Zelaya in front of the Presidential Palace. There are other isolated, scattered protests around the country in favor of Zelaya.

-- The Public Ministry files charges on 18 counts against Zelaya and promises to arrest him if he returns to Honduras.

-- Jorge Rodas Gamero remains as Security Minister; Sandra Midence heads the Central Bank.

Comment

12. While there have been claims that the Supreme Court issued a warrant for Zelaya's arrest, the president of the Supreme Court has told us that this is not true. The only warrant we are aware of is one issued either late on June 25 or early on June 26 by a lower court ordering the seizure of polling material. It appears that the Attorney General, the military conspired with Micheletti and other leaders of Congress to remove Zelaya based on their fear that he

planned to convene a Constituent Assembly immediately after the June 28 poll. They base their claim that he would have done so on the publication in the legal gazette on June 25 of the decree calling for the poll. Micheletti's supporters say that publication calls for the convening of the Constituent Assembly. However, this is patently false, the publication simply states: "Are you in agreement that in the general elections of 2009, there be a fourth urn in which the people decide the convocation of a National Constituent Assembly."

¶3. While the Military and Congress appear to have been behind the coup, they actually have no legal power to remove a president. This sole power lies with the courts, and would have to be based on a criminal case filed by the Public Ministry (prosecutors). We have seen a resignation letter dated June 25 signed by Zelaya. He denies having signed it. However, even if he had, it would have been done at gun point in the early morning hours of June 28. Honduran law negates any action taken while under duress.

Llorens